

REMARKS

This Application has been carefully reviewed in light of the Office Action dated May 1, 2008 ("*Office Action*"). At the time of the Office Action, Claims 1, 2, 4-7, 9, 11-15, 17, and 19-27 were pending and rejected. Applicant amends Claims 1, 15, 17, and 19-21. Applicant submits that no new matter is added by these amendments. Applicant respectfully requests reconsideration and favorable action in this case.

Procedural History

In each of at least the past two Office Actions, the Examiner has failed to provide an explicit rejection of Claim 22-27. Although the Examiner provides an explicit rejection of Claim 1, the Examiner merely states with regard to Claims 22-27 that the limitations of these claims "are similar to the limitations of Claims 1 and 25, therefore [Claims 22-27] are rejected based on the same rationale." (*Office Action*, page 6; *see also*, the Office Action mailed November 19, 2007, page 7). It has been and continues to be Applicant's position that Claims 22-27 recite claim limitations that are distinct from Claims 1 and 25.

Applicant has repeatedly provided arguments explaining in detail the deficiencies of the cited references with regard to Claims 22-27. (*See*, Response to Office Action submitted on January 22, 2008, pages 18-29; *see also*, Response to Office Action submitted on January 22, 2008, pages 16-18). Additionally, in the last Office action, Applicant has expressed disagreement with the Examiner's characterization of Claims 22-27 as being "similar to the limitations of Claims 1 and 25." (*See*, Response to Office Action submitted on January 22, 2008, pages 18-29). While the Examiner has changed the rejection of Claims 22-27 in each subsequent Office Action, the Examiner has done so in the context of relating Claims 22-27 to Claims 1 and 25. The Examiner has failed to address Applicant's arguments and, more importantly, has failed to acknowledge the distinctions between Claims 22-27 and Claims 1 and 25 by providing distinct and appropriate rejections of these claims.

In this Response, Applicant has again provided arguments explaining in detail the deficiencies of the cited references with regard to Claims 22-27. To the extent that the Examiner issues an Office Action subsequent to this Response, Applicant respectfully requests that the Examiner separately consider Applicant's arguments related to Claims 22-27

and address them. Applicant submits that any subsequent Office Action that fails to do so is incomplete and deficient on its face.

Section 103 Rejections

The Examiner rejects Claims 1-2, 4-7, 9, 11-15, 17, and 19-27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,980,962 issued to Arganbright et al. ("*Arganbright*") in view U.S. Patent Application Publication No. 2002/0010634 issued to Roman et al. ("*Roman*") and further in view of U.S. Patent No. 6,246,997 issued to Cybul et al. ("*Cybul*"). Applicant requests reconsideration for the reasons discussed below.

A. Claims 22-27

It continues to be Applicants position that neither *Arganbright* nor the proposed *Arganbright-Roman-Cybul* combination disclose, teach, or suggest at least the following claim elements recited in Claim 22:

- transmitting a client identifier to a client system associated with the customer;
- in a second transaction, receiving, via the Internet, a return request . . . comprising the client identifier that uniquely identifies the client system from which the return request is received; and
- using the client identifier to identify the customer-specific return information.

Arganbright merely discloses "a system and method for providing complete electronic commerce ("E-Commerce") transactions and solutions for a marketing company's products via the World Wide Web." (Abstract). According to *Arganbright*, "an individual may register with the marketing system as a Client, a Member, or a Member Plus." (Column 2, lines 26-27). A client is eligible to buy products at a Client price, a member is eligible to buy products at a Member price, and a member plus is eligible to buy products at a Member Plus price. (Column 2, lines 27-32). Thus, the *Arganbright* system offers variable prices to customers based on the customer's status. "Client" as used in *Arganbright* refers to the customer. It does not refer to a client system.

Further, although *Arganbright* briefly discusses a “process for handling returns” (Column 62, line 51 through Column 63, line 55), there is no disclosure in *Arganbright* of obtaining from a return request a “client identifier that uniquely identifies the client system from which the return request is received” or of “using the client identifier to identify customer-specific return information.” At least these elements are absent from the disclosure of *Arganbright*.

The deficiencies of *Arganbright* are not cured by the additional disclosures of *Roman* and *Cybul*. *Roman* merely discloses that a customer is “asked a series of questions about the return” to obtain information “such as receipt number, consumer’s name, phone number, description of the product being returned matching original transaction record collected from step above, condition of the product, such as original packaging and working condition.” (*Roman*, Page 1, paragraph 0015). In response, “ClickReturns.com system automatically analyzes the submitted return for fraud and abuse against a proprietary database.” (*Roman*, Page 1, paragraph 0015). “The ClickReturns.com system then provides online suggestive up-selling techniques custom to the e-tailers requests” to “offer a similar replacement product for purchase or exchange from the originating e-tailer.” (*Roman*, Page 2, paragraph 0017). Thus, *Roman* only discloses analyzing the return for fraud and offering replacement products in response to the return request. Accordingly, like *Arganbright*, there is no disclosure in *Roman* of obtaining from a return request a “client identifier that uniquely identifies the client system from which the return request is received” or of “using the client identifier to identify customer-specific return information.”

Likewise, *Cybul* also does not disclose the recited claim features and operations. *Cybul* relates to a system for online shopping that “takes advantage of the data already being gathered by POS systems on consumer shopping habits and preferences.” (*Cybul*, Column 1, lines 36-38). Specifically, *Cybul* discloses that where a vendor’s POS system “supports a frequent shopper or loyalty program . . . [or] a database of historical purchase data indexed by loyalty customer,” the information may be extracted from the vendor’s POS system. (*Cybul*, Column 4, lines 25-34; Column 1, lines 63-65). As a result, a list builder tool can “efficiently find and select the past shopping history of respective shoppers and import that data to the list

builder's on-line historical purchase list database, thereby making it available for the shoppers' first and subsequent on-line shopping experiences." (*Cybul*, Column 4, lines 29-34). As such, *Cybul* merely discloses that a shopper's purchases in a brick-and-mortar store are used to develop an online shopping list for that shopper's subsequent purchases on-line. During the subsequent on-line purchase, *Cybul* merely discloses that "[o]n-line shoppers can access the e-commerce site through a web browser 18 and the Internet, a WAN and/or a LAN. . . [to] access the list builder tool 14." (*Cybul*, Column 3, line 66 through Column 4, line 4). Accordingly, like *Arganbright* and *Roman*, there is no disclosure in *Cybul* of obtaining from a return request a "client identifier that uniquely identifies the client system from which the return request is received" or of "using the client identifier to identify customer-specific return information."

For at least these reasons, Applicant respectfully requests reconsideration and allowance Claims 22, together with Claim 23 that depends on Claim 22. For analogous reasons, Applicant also requests reconsideration and allowance of independent Claims 24 and 26, together with Claims 25 and 27 that depend on Claims 24 and 26, respectively.

B. Claims 1, 2, 6, 7, 11-15, 17, and 19-21

Independent Claim 1 of the present Application, as amended, recites:

A method of using a computer system for on-line processing of merchandise returns for a plurality of merchants, comprising the steps of:
storing a set of return rules in a database for each of the plurality of merchants;

receiving, via the Internet, a return request representing a request by a customer to initiate a return of at least one item of merchandise;

in response to receiving the return request from the customer, gathering transaction history data associated with the customer from a computerized database;

displaying the transaction history to the customer for selection of a particular item of merchandise within a listing of merchandise included in the transaction history;

receiving, from a customer, an electronic selection by a click on the at least one item of merchandise in the displayed listing of merchandise, the electronic selection identifying the at least one item of merchandise for returns processing;

in response to receiving the click on the at least one item of merchandise in the listing of merchandise, using the set of return rules

associated with the identified merchant and the transaction information to validate the return;

upon validating the return, electronically delivering data about the customer to the merchant associated with the return;

processing the return in accordance with the set of return rules associated with the merchant.

Applicant respectfully submits that the cited references do not disclose, teach, or suggest the combination of elements recited in Applicant's Claim 1.

- 1. The proposed combination does not disclose, teach, or suggest *"receiving, from a customer, an electronic selection by a click on the at least one item of merchandise in the displayed listing of merchandise, the electronic selection identifying the at least one item of merchandise for returns processing."***

As a first example of the deficiencies of the *Arganbright-Roman-Cybul* combination, Applicant respectfully submits that the cited references do not disclose, teach, or suggest "receiving, from a customer, an electronic selection by a click on the at least one item of merchandise in the displayed listing of merchandise, the electronic selection identifying the at least one item of merchandise for returns processing," as recited in Claim 1. *Arganbright* merely discloses that "[a]fter the user has a chance to review satisfaction guarantee 2702, the user selects whether the user wishes to "return" or "exchange" (box 2704) an item or plurality of items." (Column 63, lines 8-11). Thus, to the extent that *Arganbright* discloses a user selection, such user selection is of either a "return" button or an "exchange" button. Thereafter, *Arganbright* discloses that a "[t]he user is then requested to enter a plurality of information (box 2708) on return form 2706, including but not limited to, quantity, stock number or SKU, the reason for the return, product description, and an invoice number." (Column 63, lines 13-17, emphasis added). Applicant respectfully contends that the selection of a "return" button followed by the population of a form by the user is not analogous to "receiving, from a customer, an electronic selection by a click on the at least one item of merchandise in the displayed listing of merchandise, the electronic selection identifying the at least one item of merchandise for returns processing," as recited in Claim 1.

Applicant notes that *Arganbright* discloses "a user accessing a link to view order history details." (*Office Action*, page 2, citing Column 2, lines 43-45 of *Arganbright*). The

cited portion of *Arganbright* merely discloses, however, that an e-mail notification received by the customer may include “a link that allows the user to view order history details.” (Column 2, lines 43-45). There is no disclosure in *Arganbright*, however, that such order history details are displayed to the customer in a returns context or that an item included in the order history details may be clicked-on or otherwise selected. Applicant respectfully submits that providing a link to order history details so that they may be viewed by a customer is not analogous to “receiving, from a customer, an electronic selection by a click on the at least one item of merchandise in the displayed listing of merchandise, the electronic selection identifying the at least one item of merchandise for returns processing,” as recited in Applicant’s Claim 1.

Roman does not cure the deficiencies of *Arganbright*. Like *Arganbright*, *Roman* discloses a return system in which the consumer “clicks on “return” or “Customer Service” selection. (*Roman*, page 1, paragraph 14). According to *Roman*, the consumer “is then asked a series of questions about the return.” (*Roman*, page 1, paragraph 15). Specifically, the consumer is asked for information “such as receipt number, consumer’s name, phone number, description of the product being returned matching original transaction record collected from step above, condition of the product, such as original packaging and working condition.” (*Roman*, page 1, paragraph 15). Again, for reasons analogous to those discussed above with regard to *Arganbright*, Applicant respectfully contends that the selection of a “return” button followed by the provision of information from the user is not analogous to “receiving, from a customer, an electronic selection by a click on the at least one item of merchandise in the displayed listing of merchandise, the electronic selection identifying the at least one item of merchandise for returns processing,” as recited in Claim 1.

Even when considered in conjunction with the disclosure of *Cybul*, Applicant’s claim language would not have been obvious to one of ordinary skill in the art. *Cybul* relates to a system for online shopping that “takes advantage of the data already being gathered by POS systems on consumer shopping habits and preferences.” (*Cybul*, Column 1, lines 36-38). Specifically, *Cybul* discloses that where a vendor’s POS system “supports a frequent shopper or loyalty program . . . [or] a database of historical purchase data indexed by loyalty customer,” the information may be extracted from the vendor’s POS system. (*Cybul*, Column

4, lines 25-34; Column 1, lines 63-65). As a result, a list builder tool can “efficiently find and select the past shopping history of respective shoppers and import that data to the list builder’s on-line historical purchase list database, thereby making it available for the shoppers’ first and subsequent on-line shopping experiences.” (*Cybul*, Column 4, lines 29-34). As such, *Cybul* merely discloses that a shopper’s purchases in a brick-and-mortar store are used to develop an online shopping list for that shopper’s subsequent purchases on-line.

Accordingly, at most, the *Arganbright-Roman-Cybul* combination discloses that during an online purchase, a customer’s in store purchases may be used to efficiently develop an on-line shopping list. If an item were needed to be returned after the purchase is complete, the proposed combination merely discloses that a return form could be obtained on-line and filled out by the customer on the customer’s computer. The form would then be printed and placed in the box for shipping, as suggested by *Arganbright*. It would not have been obvious to one of ordinary skill in the art to modify the return process of *Arganbright* and the purchase process of *Cybul* to result in Applicant’s recited step of “receiving, from a customer, an electronic selection by a click on the at least one item of merchandise in the displayed listing of merchandise, the electronic selection identifying the at least one item of merchandise for returns processing,” as recited in Claim 1.

For at least these reasons, Applicant respectfully requests reconsideration and allowance Claims 1, together with Claims 2, 4-7, 9, and 11-14 that depend on Claim 1. For analogous reasons, Applicant also requests reconsideration and allowance of independent Claims 15, 17, and 19-21 together with Claim 16 that depends on Claim 15.

- 2. The proposed combination does not disclose, teach, or suggest “in response to receiving the click on the at least one item of merchandise in the listing of merchandise, using the set of return rules associated with the identified merchant and the transaction information to validate the return.”**

As a second example of the deficiencies of the *Arganbright-Roman-Cybul* combination, Applicant’s Claim 1 further recites “in response to receiving the click on the at least one item of merchandise in the listing of merchandise, using the set of return rules associated with the identified merchant and the transaction information to validate the

return.” Thus, Applicant’s claim recites a specific order to the steps of the claimed method. First, a click on a particular item of merchandise is received. Then, in response to the click on the item in the displayed listing, a set of return rules is used to validate the return. Applicant respectfully submits that the proposed *Arganbright-Roman-Cybul* combination does not disclose, teach, or suggest the features and operations recited in Applicant’s claim.

In the *Office Action*, the Examiner relies specifically on *Roman* for disclosure of Applicant’s recited step. However, *Roman* merely discloses a return system in which the consumer “clicks on “return” or “Customer Service” selection. (*Roman*, page 1, paragraph 14). According to *Roman*, the consumer “is then asked a series of questions about the return.” (*Roman*, page 1, paragraph 15). Specifically, the consumer is asked for information “such as receipt number, consumer’s name, phone number, description of the product being returned matching original transaction record collected from step above, condition of the product, such as original packaging and working condition.” (*Roman*, page 1, paragraph 15). There is no disclosure in *Roman* of system in which a transaction history is displayed to a customer that allows a customer to click on a particular item of merchandise within a listing of merchandise. Likewise, there is no disclosure in *Roman* of receiving a click on a particular item of merchandise. Because *Roman* does not disclose receiving a click on an item of merchandise, *Roman* cannot be said to disclose, teach, or suggest using the set of return rules associated with the identified merchant and the transaction information to validate the return **“in response to receiving the click on the at least one item of merchandise in the listing of merchandise,”** as recited in Applicant’s Claim 1.

For at least these reasons, Applicant respectfully requests reconsideration and allowance Claims 1, together with Claims 2, 4-7, 9, and 11-14 that depend on Claim 1. For analogous reasons, Applicant also requests reconsideration and allowance of independent Claims 15, 17, and 19-21 together with Claim 16 that depends on Claim 15.

3. The proposed combination does not disclose, teach, or suggest “*in response to receiving the return request from the customer, gathering transaction history data associated with the customer from a computerized database.*”

Applicant's Claim 1 recites “in response to receiving the return request from the customer, gathering transaction history data associated with the customer from a computerized database.” Thus, Applicant's claim recites a specific order to the steps of the claimed method. First, a return request is received via the Internet. Then, in response to that return request, transaction history data associated with the customer is gathered from a computerized database. Applicant respectfully submits that the proposed *Arganbright-Roman-Cybul* combination does not disclose, teach, or suggest the features and operations recited in Applicants' claim.

In the *Office Action*, the Examiner acknowledges that *Arganbright* and *Roman* do not disclose the recited claim elements and instead relies upon *Cybul*, specifically, for disclosure of the recited claim elements. (*Office Action*, pages 3-4). Applicant respectfully disagrees. *Cybul* relates to a system for online shopping that “takes advantage of the data already being gathered by POS systems on consumer shopping habits and preferences.” (*Cybul*, Column 1, lines 36-38). Specifically, *Cybul* discloses that where a vendor's POS system “supports a frequent shopper or loyalty program . . . [or] a database of historical purchase data indexed by loyalty customer,” the information may be extracted from the vendor's POS system. (*Cybul*, Column 4, lines 25-34; Column 1, lines 63-65; Abstract). As a result, a list builder tool can “efficiently find and select the past shopping history of respective shoppers and import that data to the list builder's on-line historical purchase list database, thereby making it available for the shoppers' first and subsequent on-line shopping experiences.” (*Cybul*, Column 4, lines 29-34; Abstract). As such, *Cybul* merely discloses that a shopper's purchases in a brick-and-mortar store are used to develop an online shopping list for that shopper's subsequent purchases on-line. *Cybul* does not at all relate to a returns process and, thus, does not disclose, teach, or suggest gathering transaction history data associated with the customer from a computerized database “*in response to receiving the return request from the customer.*”

For at least these reasons, Applicant respectfully requests reconsideration and allowance Claims 1, together with Claims 2, 4-7, 9, and 11-14 that depend on Claim 1. For analogous reasons, Applicant also requests reconsideration and allowance of independent Claims 15, 17, and 19-21 together with Claim 16 that depends on Claim 15.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believes that no fees are due; however, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney at the number provided below.

Respectfully submitted,
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